

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ASHINC Corporation, *et al.*,

Debtors.

Chapter 11

Case No. 12-11564 (MFW)
(Jointly Administered)

CATHERINE E. YOUNGMAN, LITIGATION TRUSTEE
FOR ASHINC CORPORATION, ET. AL., AS
SUCCESSOR TO THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS OF ASHINC
CORPORATION, AND ITS AFFILIATED DEBTORS

Appellant-Plaintiff,

BDCM OPPORTUNITY FUND II, LP, BLACK
DIAMOND CLO 2005-1 LTD., and SPECTRUM
INVESTMENT PARTNERS, L.P.,

Intervenors,

v.

YUCAIPA AMERICAN ALLIANCE FUND I, L.P., and
YUCAIPA AMERICAN ALLIANCE (PARALLEL) FUND
I, L.P.,

Appellees-Defendants.

Adv. Proc. No. 13-50530
(MFW)

Civ. No. 1:22-cv-00634 (CFC)

CATHERINE E. YOUNGMAN, LITIGATION TRUSTEE
FOR ASHINC CORPORATION, ET AL., AS SUCCESSOR
TO BDCM OPPORTUNITY FUND II, LP, BLACK
DIAMOND CLO 2005-1 LTD., SPECTRUM
INVESTMENT PARTNERS, L.P., BLACK DIAMOND
COMMERCIAL FINANCE, L.L.C., as co-administrative
agent, and SPECTRUM COMMERCIAL FINANCE LLC,
as co-administrative agent,

Appellant-Plaintiff,

Adv. Proc. No. 14-50971
(MFW)

Civ. No. 1:22-cv-00635 (CFC)

v.

YUCAIPA AMERICAN ALLIANCE FUND I, L.P., and
YUCAIPA AMERICAN ALLIANCE (PARALLEL) FUND
I, L.P.,

Appellees-Defendants.

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and Rule 8023 of the Federal Rules of Bankruptcy Procedure, Appellant-Plaintiff Catherine E. Youngman, as Litigation Trustee for ASHINC Corporation and related debtors, and Appellees-Defendants Yucaipa American Alliance Fund I, L.P. and Yucaipa American Alliance (Parallel) Fund I, L.P., hereby stipulate and agree that the above-captioned appeal be dismissed in its entirety with prejudice with each party bearing its own costs, fees and expenses.

[Signature Page Follows]

Dated: August 10, 2023
Wilmington, Delaware

STIPULATED AND AGREED:

FOX ROTHSCHILD LLP

/s/ Seth A. Niederman
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-and-

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Counsel for the Trustee

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/s/ Laura Davis Jones
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**GLASER WEIL FINK HOWARD AVCHEN
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*Counsel for Yucaipa American Alliance Fund
I, L.P. and Yucaipa American Alliance
(Parallel) Fund I, L.P.*

Agreed to By Intervenor:


INTERVENOR: BDCM OPPORTUNITY FUND II, LP

BY: BDCM Opportunity Fund II Adviser, L.L.C., its Investment Manager

By: 
Name: Stephen H. Deckoff
Title: Managing Principal

INTERVENOR: BLACK DIAMOND CLO 2005-1 LTD.

BY: Black Diamond Credit Strategies Fund Ltd.,
as assignee from Black Diamond CLO 2005-1 Adviser, L.L.C., its Collateral Manager

By: 
Name: Stephen H. Deckoff
Title: Managing Principal

INTERVENOR: SPECTRUM INVESTMENT PARTNERS, L.P.

BY: Spectrum Group Management LLC, as Investment Manager

By: _____
Name: Jeffrey A. Schaffer
Title: Managing Member

Agreed to By Intervenor:

INTERVENOR: BDCM OPPORTUNITY FUND II, LP

BY: BDCM Opportunity Fund II Adviser, L.L.C., its Investment Manager

By: _____

Name: Stephen H. Deckoff

Title: Managing Principal

INTERVENOR: BLACK DIAMOND CLO 2005-1 LTD.

BY: Black Diamond Credit Strategies Fund Ltd.,

as assignee from Black Diamond CLO 2005-1 Adviser, L.L.C., its Collateral Manager

By: _____

Name: Stephen H. Deckoff

Title: Managing Principal

INTERVENOR: SPECTRUM INVESTMENT PARTNERS, L.P.

BY: Spectrum Group Management LLC, as Investment Manager

By: _____

DocuSigned by:

Jeffrey A. Schaffer

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Name: Jeffrey A. Schaffer

Title: Managing Member